

Land Development Code Update 2004-2005 **Executive Summary**

The land development code update

This executive summary is an overview of the 2004-2005 Land Development Code Update. This document provides a general overview of the 2004-2005 LDC update. The complete text is available at the Planning and Design Services offices (3rd floor, 444 S. Fifth St.) or on the web site: <http://www.louisvilleky.gov/Department/PlanDesign/ldc.asp>.

PROPOSED REVISIONS

The following paragraphs summarize the proposed changes by LDC chapter. Some of the PD district changes included in Docket Number 9-52-05 are included for formatting purposes only.

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CHAPTER 1 - GENERAL PROVISIONS

General Provisions (1.1)

The primary change in this section of the LDC is the addition of standards regarding expiration of development plans (e.g. CUP plans, plan certain development plans and category review development plans).

Definitions (1.2)

Definitions of adult entertainment uses were removed and the definition of adult entertainment activity was revised to refer to the adult entertainment ordinance listed in Chapter 111 of the Louisville Metro Code of Ordinances. The agricultural use definition was revised per KRS 100.111. A definitions of animating feature, building footprint, institutional use, non-emergency generator, portable storage containers, rehabilitation home, setback, tree preservation area, woodland protection area and street tree. The definition of density was revised in order to address project densities over multiple lots. The general plan definition was revised to reflect the actual Planning Commission practice. The definition of attached dwelling was revised to clarify that in single family zoning districts only one unit is permitted on each lot. The definition of flag lot was revised to reflect requirements of chapter 7. A change to the minor plat definition addressed the subdivision of more than five lots in a year. Also, the Planned Development district definitions are also shown in the LDC update document, these additions were reviewed under Docket No. 9-52-05.

Nonconformance (1.3)

The provision for non-conforming lot was revised to cross-reference the standards of chapter 7.1.85. The automatic three-space waiver of parking for non-conforming parking areas was eliminated to create fair application of the parking standards.

CHAPTER 2 - ZONING DISTRICTS DENSITY, INTENSITY AND LAND USE

Residential, Office/Residential, Commercial, Industrial and Special Purpose Zoning Districts (2.2)

Added to accessory buildings the words "associated with the permitted uses listed below".
Removed the non-profit distinction for schools, libraries, community centers, parks, etc.

Office/Residential Zoning Districts (2.3)

Removed the "not for profit" listing from such uses as schools, community centers, parks, libraries, etc.

Commercial Zoning Districts (2.4)

Moved dance instruction from the C-2 listing to the C-1 listing and excluded adult entertainment uses as specified by chapter 111 of the LMCO. Removed trade school and business school from the listing as this is covered by the general school provision.

Special Purposed Zoning District (2.6)

Added to the EZ-1 zoning district the general use of multi-family residential in accordance with chapter 4, part 3.

Planned Development districts (2.7)

In the Planned Residential District added the words diversity level units 1 –4 when discussing price range of housing.

Appendix 2A

Added that a conditional use permit may be obtained in the R-5 district for a commercial kennel.

CHAPTER 4 - GENERALLY APPLICABLE DEVELOPMENT STANDARDS

General Compatibility Standards (4.1)

Lighting Standards

Added that the light measurement for light levels under a gas canopy be calculated at a 3 foot elevation.

Conditional Uses (4.2)

TNPD was added to the list of zoning districts in which a conditional use permit may be obtained for a bed and breakfast. Added a conditional use permit allowance for institutional uses over the maximum footprint cap as listed in the village and neighborhood form districts. Changed the title of the conditional use for institution to Rehabilitation Home. Renumbered the full list of conditional uses to take into account additional conditional uses. Added a conditional use permit for non-emergency generators. Revised the conditional use permit list based on further research of the use and the addition of standards related to intensity and safety. Revised the conditional use permit for riding academy and stables to take into account the equine committees work and the revisions to the agricultural use definition in KRS.

Permitted Uses with Special Standards (4.3)

Revised the allowance for residential within the EZ-1 zoning district to permit new construction of multi-family residential within the traditional neighborhood, traditional marketplace corridor, traditional workplace and downtown form districts. Also, permitted the conversion of existing structures over 25 years old to multi-family use within the Suburban Workplace. Revised the accessory structure over 1,000 square foot footprint to state that this allowance is for accessory structure footprints in excess of the footprint of the principal structures. Added a provision for paintball ranges in industrially zoned property and for in-home day care centers.

Accessory Uses and Miscellaneous Standards (4.4)

Revised the adult entertainment activity standards based on the changes in definition outlined in Chapter 1, Part 2. Removed the discussion of proof of maintenance and replaced it with license agreement or other legally binding agreement for signature entrances within the right-of-way. Deleted the indemnity agreement language as it is no longer needed. Removed day care center

as a home occupation based on its addition to Chapter 4, Part 3. Added language permitting the use of portable storage containers on residentially zoned property.

Development on Steep Slopes (4.7)

Clarified that the geotechnical study is required at time of filing an application for a required review.

Community Facility Reviews (4.10)

Replaced current language with language from KRS 100.

CHAPTER 5 - FORM DISTRICT REGULATIONS

General Provisions (5.1)

Revised explanatory language dealing with maximum setbacks and changed drawings from figures to illustrations.

Traditional Form Districts (5.2)

Revised all of the threshold tables to remove the requirement for sidewalks from minor plats to strictly construction of principal structure, structural addition, parking areas and major subdivisions. Each specific standard varies based on the applicable form district. Revised the order of parts listed in the threshold table by part number and merged the requirements for non-residential accessory structures into the non-residential site design standards. Revised the traditional neighborhood dimensional table to include a maximum setback for districts CR through W-2. Added that the UN district minimum lot size may be based on approved design guidelines.

Suburban Form Districts (5.3)

Revised all of the threshold tables to remove the requirement for sidewalks from minor plats to strictly construction of principal structure, structural addition, parking areas and major subdivisions. Each specific standard varies based on the applicable form district. The language in the neighborhood form district regarding supplemental setbacks was clarified and a requirement for greater setback adjacent to property containing potentially hazardous underground pipelines (e.g. natural gas pipelines). The Village Outlying standards were revised to permit institutional uses up to a footprint of 75,000 square feet.

Residential Site Design Standards (5.4)

Revised and reformatted the traditional form district design standards to more easily identify infill and non-infill standards. Infill lot standards were increased from the 10% requirement to the 20% requirement. The language was clarified to ensure compliance with the minimum lot size of the applicable zoning district as listed under the Traditional Neighborhood form district. New illustrations were created to better explain the four areas of traditional design. Private yard standards were revised to create contiguous open space that is compatible to the size of the lot. The language for breezeways was revised to differentiate between enclosed and unenclosed breezeways. An infill requirement for accessory structures was added. Changed the maximum accessory structure footprint from 1,000 square feet to a footprint smaller than the principal structure. Standards were created for multi-frontage lots and infill multi-family development based on director interpretations. Renamed the Planned Development Option to the Traditional

Neighborhood Design Alternative. Suburban standards were revised to show the accessory structure footprint change and to add the infill lot size requirement from the traditional standards. Staff also added the 5-foot minimum structure setback to the 50% rear yard encroachment allowance.

Non-Residential Site Design Standards (5.5)

Revised the corner lot requirement for traditional form districts in order to simplify the language. Added a note regarding connections through parking lots from public right-of-way. Added the accessory structure standards from chapter 5 and deleted the previous stand-alone part.

Transition Standards (5.7)

Clarified that transition setbacks are based on the applicable setback standards of the applicable form district.

Transit and Connections (5.9)

Added the clarifier that stub street extension and stub creation are not subject to waivers as listed in Chapter 11 because they are not design standards but are related to issues of health and safety. The access easement requirement for pedestrian access from commercial to vacant residential property was clarified in order for the Planning Director to determine its feasibility and also clarified that this requirement is not subject to a waiver in accordance with Chapter 11.

Master Plan Requirement (5.13)

The Master Plan requirement part has been renamed the Special Design Requirement and the wording master plan has been replaced with development plan. Commercial development within the Suburban Workplace was added to the list of form districts in which outdoor amenities are required.

Table of Contents

The Table of contents for Chapter 5 was revised to reflect the deletion of the accessory structure part. Parts 1 through 10 remain the same but Form District Open Space becomes part 11 and the Special Design Requirement becomes number 12.

CHAPTER 6 - MOBILITY STANDARDS

Streets and Rights-of-Way (6.2)

Added language regarding the continuation of existing streets. Added that lots within an approved subdivision in which sidewalks were waived for the subject lots street frontage are exempted from the sidewalk requirement. Added that the fee in must be approved by the Director of Planning or designee as well as director of works or designee. Outlined in more detail the applicability requirements for the use of the fee in lieu for sidewalks. Added the provision for a sidewalks waiver to this part specifically. This included the applicability of a waiver, the submittal requirements, and the review process. Clarified in Table 6.2.1 the right-of-way and pavement width for an alley and that the sidewalk requirement for cul-de-sacs must be in accordance with Table 6.2.2. Clarified that the minimum pavement standards for private roads must be in accordance to the fire ordinance (LMCO 94.80-94.82).

Street Name Change, Street Closing, Street Naming and Site Addressing (6.3)

The street closure initiation methods has been reformatted and changes have been made to street closures for dead end streets.

CHAPTER 7 - SUBDIVISION REGULATIONS

Standards of Design for Major Subdivisions (7.3)

Added language regarding the continuation of existing streets. Added changes based on language proposed under the Systems Development Charges for Roadways Ordinance. Added the words any other drainage easement to the 15% overlap requirement for rear yards of lots.

Record Plat for Major Subdivisions (7.7)

Added changes to required plat information based on staff's work with the survey industry.

Minor Subdivisions (7.8)

Added changes based on language proposed under the Systems Development Charges for Roadways Ordinance. Added language regarding the continuation of existing streets.

CHAPTER 8 - SIGN REGULATIONS

General Provisions (8.1)

Added a note to the nonconforming sign language regarding applicability of this standard. Deleted paragraph C regarding lighting of signs. This paragraph has been merged with other paragraphs in order to place all lighting requirements in one location. The lettering of paragraphs has been changed due to the combination of the lighting standards. Deleted paragraph M regarding changing image signs in order to combine this language with other sign illumination standards. Created section 8.1.7 in order to include all illumination standards in one location. Added a restriction that changing image signs are prohibited along scenic corridors and parkways and within the Neighborhood, Village and Traditional Neighborhood form districts. Clarified the director of works involvement in the determination of excessive glare. Clarified those signs that may be illuminated.

Residential/Office Signs (8.2)

Clarified that community facility signs may be illuminated. Added that institutional signs may be illuminated and clarified the maximum height for institutional i.d. signs. Added the language regarding special event signs from the portable sign section. Based on the work of the Portable Sign Committee, eliminated the permit requirement for special event signs but still included a timeframe in which the sign maybe displayed for an event. Eliminated the restriction on the placement of multi-family residential i.d. signs within required yards.

Business Signs (8.3)

Removed the language regarding illumination from the business sign language and merged this language into the Section 8.1.7. Renamed this section, "Business Signs General Requirements" to reflect that this section states in which zoning district business signs are permitted. Added that business signs mounted on and extending above a parapet wall are considered roof signs.

Included clarifying language to the attached sign height requirements. Added an allowance for unified freestanding sign plans for multi-lot developments. Clarified the names of special ID signs and included that these signs are subject to designated parkway standards. Added a provision at the request of the Portable Sign Committee to allow the incorporation of temporary freestanding signs in the permitted freestanding signs within the Suburban Marketplace Corridor. Added an allowance for a Regional Center I.D. signs

Portable Signs (8.5)

Based on the recommendations of the Portable Sign Committee, staff has revised the language of the portable sign part of chapter 8. The major changes regard the elimination of the permit requirement for portable signs. Portable signage such as temporary banners, temporary freestanding business signs and small freestanding business signs would be regulated by an overall square footage allotment based on the applicable form districts. A certification requirement has been added to have portable signs in order to make it easier for enforcement, the public and the business owner to determine the amount of portable signage and the type of signage allowed. The existing restrictions of size, location and applicability of portable signage would remain. The size of banners was eliminated and therefore the size of banners would be based on the remainder of the square footage allotment. Added additional language regarding condition of signage and the maintenance of the area around a sign. Revised language regarding temporary freestanding signs regarding condition of sign, having a message on the sign, etc. Portable signs that are to be illuminated must have a sign permit to ensure proper electrical connections. A clarified requirement for the anchoring of a sign has been added as well.

CHAPTER 9 - PARKING AND LOADING

Motor Vehicle Parking Standards (9.1)

Deleted the three-space non-conformance provision in order to create a fair application of parking standards. Increase the parking reduction allowance cumulative cap from 15 to 30% for Neighborhood, Village, Town Center and Planned Village Districts, from 20 to 30% for Regional Center and Suburban Marketplace Corridor. Added a parking requirement for the following uses; rehabilitation home, liquor stores, bingo halls, reception hall, arcades, game rooms, go-cart facilities and similar uses. Reformatted the parking requirement table by type of use and listed uses in alphabetical order. Added a note that parking in a driveway is not considered stacked parking. Reformatted the parking waiver language to simplify and to exclude a waiver for using on-street parking specifically. This provision has been incorporated into the minimum parking waiver language. Added that parking waivers approved under the previous development regulations shall remain valid under the LDC and clarified the number of spaces required would be based on the number of spaces required by the waiver and not the waiver percentage.

CHAPTER 10 - TREE CANOPY, LANDSCAPING AND OPEN SPACE

Tree Canopy (10.1)

A tree canopy table has been added for evergreen trees; therefore two tables exist for tree canopy credits (deciduous and evergreen). Added a requirement that all tree canopy protection, tree preservation and woodland protection areas shall be in accordance with PDS tree preservation policy. Added the PDS tree preservation policy as appendix 10D.

Landscape Design (10.2)

10.2.1 was revised to include institutional uses, the W-1 & 2 industrial vs. commercial properties, and PEC industrial vs. commercial properties. Clarified that cellular towers are considered the same as utility substations with regard to landscape requirements. Added that perimeter property landscape buffers are not required between a multi-family zone and a single-family zone when the multi-family zoned property is developed as single-family homes. Added the landscape requirements from chapter 9 regarding parking lots in excess of the minimum parking requirements. Added form district specific landscape requirements from chapter 5 and 7 in order to better cross-reference standards. Revised appendix 10A to include recommended street trees. Revised appendix 10C in order to distinguish between straight species and/or cultivars that are prohibited.

Parkway and Scenic Corridor Development Standards (10.3)

Requires that a petition be submitted to the Planning Commission or legislative body signed by more than 50% of the property owners adjacent to a roadway proposed as a scenic corridor before the Planning Commission can hold a hearing on a designation.

Implementation Standards (10.4)

Added shrubs to the landscape diversity requirement. Also, included the requirement that tree preservation be in accordance with PDS policy.

CHAPTER 11 - DEVELOPMENT REVIEW PROCEDURES

Conditional Use Permits and Variances (11.5)

Added a 14-day notice requirement to 1st tier property owners for variance requests.

Appeals (11.7)

Clarified the appeal language based on input from Planning Commission counsel.

Waivers (11.8)

Clarified that waivers are for design standards and noted the list of determinations by PDS staff regarding waiver and variances as well as those standards that are unable to be waived or varied. This listing has been placed as an appendix to chapter 11 of the code (11A).